

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: B. Arlen Young  
Assignee: Adaptec, Inc.  
Title: A METHOD AND STRUCTURE FOR SUPPORTING FLOW CONTROL  
BY A SCSI INITIATOR DURING THE DATA OUT PHASE OF  
THE PACKETIZED SCSI PROTOCOL  
Serial No.: 09/745,035 Filed: December 20, 2000  
Examiner: Khanh Nmn Dang Group Art 2111  
Unit:  
Docket No.: ADPT1058

Milpitas, CA

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Washington, D. C. 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A PRIOR PATENT INCLUDING STATEMENT UNDER 37 CFR 3.73(b)**

Sir:

The owner, Adaptec, Inc., a Delaware corporation, having a place of business at 801 S. Milpitas Blvd., Milpitas, CA 95035, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,769,037 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the

GUNNISON, McKAY &  
HODGSON, L.L.P.  
Garden West Office Plaza  
Suite 200  
1900 Garden Road  
Monterey, CA 93940  
(831) 655-0880  
FAX (831) 655-0888

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full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

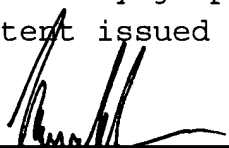
The undersigned (whose title is supplied below) represents that he is a representative authorized to act on behalf of the owner.

The owner states that it is the assignee of the entire right, title, and interest in the instant application by virtue of an Assignment from the inventor(s) of the instant application to Adaptec, Inc. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame 011403/0175.

The owner also states that it is the assignee of the entire right, title, and interest in the prior U.S. Patent No. 6,769,037 B1 by virtue of an Assignment from the inventor(s) of the prior patent to Adaptec, Inc. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame 011397/0062.

The undersigned hereby declares that all statements made herein of her/his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

OCTOBER 26, 2004  
Date

  
Signature

Marshall Mohr

Vice President and Chief Financial Officer  
Adaptec, Inc.